United Nations A/HRC/36/L.34

General Assembly

Distr.: Limited
25 September 2017

Original: English

Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10
Technical assistance and capacity-building

Tunisia:* draft resolution

36/... Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, 33/29 of 30 September 2016 and 35/33 of 23 June 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council in accordance with its resolution 33/29, on the situation of human rights in the Democratic Republic of the Congo and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[1]

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* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/HRC/36/34.

Welcoming the progress made by the Democratic Republic of the Congo in particular at the institutional and legislative levels with the adoption by the Senate of an act relating to the protection and responsibility of human rights defenders and the creation of an interministerial committee responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities,

Deeply concerned about the continued violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Deeply concerned also about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to the internal displacement of more than 3.8 million people inside the country and 7.3 million people in need of humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting with satisfaction the progress made in the fight against impunity for sexual violence and for access to justice for victims, including through the establishment by the Office of the Personal Representative of the Head of State tasked with fighting sexual violence and the recruitment of children, a helpline for victims of sexual violence that contributes to the fight against impunity, and the adoption by the Government of an plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* the acts of violence committed in some areas of the country, and all the armed groups perpetrating them;

2. *Notes with satisfaction* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject all violence;

4. *Encourages* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including the full respect of the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

7. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate;

8. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights and of international humanitarian law, and to ensure that victims of such crimes receive adequate reparations;

9. *Commends* the Government of the Democratic Republic of the Congo for the implementation of the political agreement of 31 December 2016;

10. *Welcomes* the efforts made by regional organizations, including the African Union and the Southern African Development Community, to defuse tension in the Democratic Republic of the Congo and to promote inclusive dialogue in the implementation of the political agreement of 31 December 2016;

11. *Noting* the decisions taken at the thirty-seventh ordinary summit of Heads of State and Government of the Southern African Development Community, held in Pretoria on 19 and 20 August 2017, on the situation in the Democratic Republic of the Congo and the communiqué of 23 August 2017 of the Peace and Security Council of the African Union, in which it, inter alia, underlined a number of problems that made the holding of elections in December 2017 unrealistic, and urged the Independent National Electoral Commission to publish a revised electoral calendar in consultation with the Government of the Democratic Republic of the Congo and the National Council for Oversight of the Agreement of 31 December 2016;

12. *Welcomes* the progress made by the Independent National Electoral Commission in the registration of almost 98 per cent of eligible voters, the logistical support afforded by the United Nations Organization Stabilization Mission in Congo in carrying out this exercise, and the initiation of the registration process of voters in the province of Central Kasai, which commenced on 4 September 2017;

13. *Urges* the Independent National Electoral Commission, in consultation with the National Council for Oversight of the Agreement and the Government of the Democratic Republic of the Congo, to objectively assess the entire election process in order to make public, as soon as possible, a realistic electoral calendar;

14. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly,

15. *Also encourages* the Government to ensure equitable political participation for all, and to create the conditions necessary for the holding of free, transparent, inclusive and peaceful elections without further delay, in particular in view of the legislative and presidential elections;

16. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

17. *Also welcomes* the launch in Kananga on 19 September 2017 by President Joseph Kabila Kabange of a forum on peace, reconciliation and development of the Grand Kasai;

18. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

19. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016-2021) plan for the promotion and protection of the rights of disabled persons, adopted on 20 and 21 May 2016;

20. *Also welcomes* the enactment of a law, on 10 March 2017, amending the Code of Military Justice for the implementation of the Rome Statute, and notes the validation, in May 2017, of the plan of justice reform, prepared in accordance with the recommendations made at the conference convened in 2015 on the evaluation of justice sector reform;

21. *Encourages* the Government of the Democratic Republic of the Congo to afford better protection to all political actors, including that of civil society, journalists and human rights defenders, during the elections, and to guarantee respect for all human rights;

22. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

23. *Requests* all stakeholders in the electoral process to reject all forms of violence and to abstain from any discourse inciting racial, tribal or ethnic hatred;

24. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

25. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

26. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

27. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Notes with appreciation* the progressive operationalization of the National Commission on Human Rights, welcomes the adoption of its five-year strategic plan and

the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

29. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

30. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

31. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

32. *Welcomes* the appointment by the High Commissioner of Bacre Ndiaye, Luc Côté and Fatimata M'Baye as members of the team of international experts on the situation in the Kasai regions of the Democratic Republic of the Congo as mandated by the Human Rights Council in its resolution 35/33;

33. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

34. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, in an enhanced interactive dialogue;

35. *Also requests* the Office of the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, including in the context of the electoral process, and to present it to the Human Rights Council at its thirty-ninth session in an enhanced interactive dialogue;

36. *Decides* to remain seized of the situation until its thirty-ninth session.